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### The Voice of the Gods is Crippling: Law School for Helicoptered Millennials

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# ARTICLE

*Katerina Lewinbuk | Taci Villarreal | Elena Bolonina*

## The Voice of the Gods is Crippling<sup>1</sup>: Law School for Helicoptered Millennials

**Abstract.** As millennials dominate law school classrooms, many professors are recognizing the importance of altering the traditional methods of teaching law. Millennials act, think, and learn differently. Numerous factors are linked to why this new generation of law students is distinctively different than previous generations. This article examines these factors and how they influence millennials' learning styles. Alternative methods of teaching millennial law students are also discussed and proposed, along with a specific example of a tailored professional responsibility textbook and course to the modern law student.

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1. See THE ARDEN SHAKESPEARE, DOUBLE FALSEHOOD OR THE DISTRESSED LOVERS 118 (Brean Hammond ed., 2010) (quoting the following line by William Shakespeare: "The Voice of Parents is the Voice of Gods: For to their Children they are [Heaven's] Lieutenants[.]").

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## I. INTRODUCTION

Many professors find themselves feeling baffled when teaching and attempting to relate to the new generation of millennial law students. There are many reasons why millennials act, think, and learn differently. The distinctiveness tied to the millennial generation can be explained by a number of factors, including the technology boom, various societal pivots, and an evolution in the way children are raised. The previously mentioned, newly established child-rearing style is commonly referred to as “helicopter parenting.” This article will focus on the topic of helicopter parenting and how it has shaped a new breed of law students in a variety of ways. On one hand, it will argue this phenomenon requires law professors to create a new way of teaching course materials to be effectively received by the changed audience. On the other hand, it will assert that responsibility must be placed upon this new generation of students and future lawyers to adjust to the expectations of the historically structured and demanding profession, which is subject to hierarchy and high professional expectations. Among other suggestions, this article will also offer a specific example of a tailored professional responsibility textbook and course to the modern law student.

In sum, the millennial generation is frequently associated with attributes such as a lack of self-efficiency, supreme confidence, and entitlement. Many scientific studies credit the seemingly negative characteristics surrounding the millennial generation with the way they were parented via the “helicopter” style, which gleans its name from the “hovering” behavior of millennials’ parents. As a consequence, many in legal academia are frustrated, believing millennials must be spoon-fed even when it comes to their law school education.

One possible solution for this challenge involves a more hands-on teaching approach that would center on using very recent cases, interactive methods, and social issues, thereby tying the law to the real world. A more hands-on approach would arguably engage a modern law student by allowing the new generation of millennials (who are believed to expect instant gratification in many aspects of their lives) to learn the rules of law and view how they are applied to current and often scandalous scenarios via resulting judicial determinations or case law. This method would captivate the new generation of students, who often are not engaged by something if it is not presented to them interactively or on a screen. It would also offer them quasi-instant gratification in providing a way to apply the legal rules

they are currently learning to relatable and actual or hypothetical fact patterns implicating the familiar society around them.

Part II will cover millennials and the traits unique to their generation, specifically focusing on why millennials have these traits—including helicopter parenting, the technology boom, participation trophies in competitions, and the No Child Left Behind Act. Part III will provide an understanding of what it actually takes to become a lawyer and will cover the conflict between the classic approach to educating lawyers and the current methods of teaching law to millennials. Part IV will discuss how, even with the legal profession going through constant change, there is still a clash between millennials, legal academia, and the legal profession. Part V will propose a possible compromise or solution to educating millennials, while Part VI will discuss the steps taken by the Article's Author in her classroom to engage this new generation.

## II. MILLENNIALS: WHO THEY ARE, WHY THEY ARE

You may hear about them if you turn on *Fox News*,<sup>2</sup> you might catch talk of them if you watch *Real Time with Bill Maher*,<sup>3</sup> and many may notice sitcoms frequently comment about them.<sup>4</sup> What is this elusive subject that seems

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2. See Neil Cavuto, *Larry Winget's Tough Love for Homebound Millennials*, FOX NEWS (Jan. 24, 2017), <https://www.foxnews.com/transcript/larry-wingets-tough-love-for-homebound-millennials> [<https://perma.cc/C782-MT7X>] (discussing how many millennials are staying home with their parents); US Army, *British Army Employ New Tactics to Recruit Millennials*, FOX NEWS (Jan. 5, 2019, 3:02 PM), <https://video.foxnews.com/v/5986289668001/#sp=show-clips> [<https://perma.cc/6NVZ-JKH3>] (explaining the difficulty of getting millennials to fight for their country).

3. See Peter Wade, *Bill Maher Attacked Millennials as Entitled and Lazy*, ESQUIRE (Jun. 11, 2016), <https://www.esquire.com/entertainment/news/a45732/bill-maher-attacked-millennials-as-entitled-and-lazy/> [<https://perma.cc/ZGC6-RZDX>] (highlighting Bill Maher's comments about millennials and socialism); see also Jon Street, *Bill Maher Blasts 'Fragile' Millennials Who Need 'Trigger Warnings and Safe Spaces'*, CAMPUS REFORM (Apr. 1, 2019, 10:36 AM), <https://www.campusreform.org/?ID=12046> [<https://perma.cc/2QLF-7LR9>] ("It's not the first time Maher has sounded off on topics familiar to college students.").

4. See Kristi Turnquist, *CBS Comedy Making Fun of Millennials Riles Up Millennial Journalists*, OREGONLIVE (Aug. 10, 2016), [https://www.oregonlive.com/tv/2016/08/cbs-comedy-making\\_fun\\_of\\_mille.html](https://www.oregonlive.com/tv/2016/08/cbs-comedy-making_fun_of_mille.html) [<https://perma.cc/4CBW-9WJC>] (discussing how new sitcoms making fun of millennials has caused conflict); see also Justin Ashford, *ABC's 'Last Man Standing' Finds Solution to Millennials Skipping Church*, NEWSBUSTERS (Feb. 24, 2017, 11:39 PM), <https://www.newsbusters.org/blogs/culture/justin-ashford/2017/02/24/abcs-last-man-standing-finds-solution-millennials-skipping> [<https://perma.cc/UX6W-5S2D>] (recognizing how sitcoms are trying to get millennials to attend church); Christopher Hooton, *Millennials Outraged Over TV Show Portraying Millennials As Outraged*, INDEPENDENT (Aug. 11, 2016, 11:17 AM), <https://www.independent.co.uk/arts-entertainment/tv/news/millennials-outraged-over-tv-show-portraying-millennials-as-outraged-a7184771.html> [<https://perma.cc/8Q3K-8Q3K>].

to be caressing the lips of so many? Millennials! Millennials cannot seem to catch a break. If you have heard complaints about millennials, or have even complained about them yourself, you are certainly not alone. In legal academia, the big question is: Are millennials getting so much attention because they are shaking, or even upsetting our world, or because they are surprising it?

A. *Please, Do Not Feed the Millennials . . . or Their Parents*

A few examples will provide a background for the way legal academics have directly faced these new law school challenges. Louis N. Schulze, Jr. is an Assistant Professor of Law and Director of the Academic Excellence Program for New England Law, Boston.<sup>5</sup> Schulze suffered a generation shock when, during his first year as an academic support professional, he was forced to come face-to-face with not only this new generation of millennials, but even worse, their helicopter parents.<sup>6</sup> A recollection of being besieged by over half a dozen calls from hovering parents during his first semester working in legal academia surely still haunts him to this day.<sup>7</sup> Thanks to these calls, Schulze received a taste of the modern student entering law school early on in his legal academic career.<sup>8</sup> Most of the calls Schulze received from these over-reaching parents were to put him on notice about how their “child” (yes, they referred to their law school-aged offspring as a “child”) would require additional academic assistance.<sup>9</sup> In his article, Schulze described how several of the “hoverers” demanded he personally tutor their “child” in any of the many subjects the “child” may have been confused about.<sup>10</sup> He attempted to explain to these parents that tutoring was viewed by his department as “counterproductive” and that the purpose of his academic support department was “to help students teach

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perma.cc/64W5-YGZY] (“A millennial member of a focus group had angrily objected to the contents of a television programme because it portrayed millennials as coddled, easily offended and thin-skinned.”); cf. Lauren Le Vine, *Did Millennials Kill the Hangout Sitcom?*, REFINERY29 (Sept. 24, 2015, 10:00 AM), <https://www.refinery29.com/en-us/2015/09/94322/hangout-sitcoms-friends> [<https://perma.cc/WUZ3-TXV5>] (discussing how millennials killed hangout sitcoms).

5. Louis N. Schulze, Jr., *Balancing Law Student Privacy Interests and Progressive Pedagogy: Dispelling the Myth that FERPA Prohibits Cutting-Edge Academic Support Methodologies*, 19 WIDENER L.J. 215, 215 (2009).

6. *Id.* at 264–65.

7. *Id.* at 264.

8. *Id.* at 264–65.

9. *Id.* at 264.

10. *Id.*

themselves how to learn” the law in a more effective, self-sufficient way.<sup>11</sup> This explanation fell on deaf ears when it came to that particular squadron of helicopter parents. In his words, “several callers were not appreciative of my pedagogical philosophies.”<sup>12</sup>

Furthermore, one law professor shared a message with the Legal Writing Institute Discussion List titled *My Mommy and Daddy Say You're Wrong!! How Would You Respond?*<sup>13</sup> In this tale of millennial helicopter parenting woes, the professor described how one of her law students sent an email riddled with a swarm of errors.<sup>14</sup> The purpose of the email was to complain about his writing grade.<sup>15</sup> In fact, not only had he included his parents on the email, both of whom are attorneys, but he also expressly noted his parents' praise for his paper.<sup>16</sup>

At the risk of creating a scene in every reader's mind of disgruntled law professors sitting around a campfire clutching their Prossers and complaining about the latest generation, the Author too must personally attest to the new challenging experience that comes along with teaching millennials who have been reared by helicopter parents. One of her first experiences with millennials was when her student's parents attempted to attend a Professional Responsibility exam conference in the place of their twenty-something-year-old son. Their explanation? He was too upset to discuss his grade with the professor by himself, so they were hoping to fill his spot and take notes for him. Another similar instance happened a year later when the Author had a student attempt to attend a different exam conference with her mother. In both instances, the Author refused to discuss the students' grade in front of their parents, which was not well-received. After a number of these occurrences, it is natural to feel disappointment and just ask oneself: When they start practicing law, are they also going to take their parents with them to court?

For law professors, the stories regarding millennials and their relationship with their parents can be vast in number, hilarity, and gasp-worthy

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11. *Id.* at 264–65.

12. *Id.* at 265.

13. Anahid Gharakhanian, *ABA Standard 305's "Guided Reflections": A Perfect Fit for Guided Fieldwork*, 14 CLINICAL L. REV. 61, 74–75 (2007).

14. *Id.* at 75.

15. *Id.*

16. *Id.* There, the student had carbon “copied his parents, both attorneys, and in an email full of all sorts of errors, complained about his writing grade, noting his parents' praise for his paper.” *Id.*



moments. However, as educators and those who have seen both the grossly negative and pleasingly positive sides of this new generation of lawyers, it is important to ask whether all millennials are being unfairly painted with too wide a brush. In order to tackle this, it is logical to first dive into what actually makes one a “millennial.”

#### B. El True Hollywood Story: *Millennials*

Anyone born between the years of 1980 and 1995 is an official bearer of the millennial label.<sup>17</sup> The specific dates surrounding the millennial generation vary slightly. The Center for Generational Kinetics recognizes millennials as those who were born between the years 1977 and 1995.<sup>18</sup> Millennials have been frequently referred to as “[t]he Entitlement Generation,” insofar “as they want it all, they want it now, and they believe they deserve it.”<sup>19</sup> Common characteristics attributed to the millennial generation include extreme self-confidence paired with a lack of self-efficiency, organization, discipline, and determination.<sup>20</sup>

According to Professor Palmer, the coordinator of First-Year Legal Research and Writing at Stetson University College of Law, seven core traits define the millennial generation,<sup>21</sup> including “special, sheltered, confident, team-oriented, conventional, pressured, and high-achieving.”<sup>22</sup> He further reasoned that such unique traits led the millennial generation to be more ambitious and intelligent than the other ones before them.<sup>23</sup> On the other

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17. Jason S. Palmer, “*The Millennials Are Coming!*”: *Improving Self-Efficacy in Law Students Through Universal Design in Learning*, 63 CLEV. ST. L. REV. 675, 676 (2015).

18. *How to Determine Generational Birth Years*, CTR. FOR GENERATIONAL KINETICS, [http://genhq.com/generational\\_birth\\_years/](http://genhq.com/generational_birth_years/) [<https://perma.cc/D9TE-QPRW>].

19. Palmer, *supra* note 17, at 682.

20. *See id.* at 680 (“Millennials exhibit seven core traits that define their generation. Millennials are special, sheltered, confident, team-oriented, conventional, pressured, and high-achieving.”); *see also* Leslie Larkin Cooney, *Giving Millennials a Leg-Up: How to Avoid the “If I Knew Then What I Know Now” Syndrome*, 96 K.Y.L.J. 505, 506 (2007) (“Millennials are ambitious, demanding, and they question everything.”); Nadira A. Hira, *Attracting the Twentysomething Worker*, CNN MONEY (May 15, 2007, 3:10 PM), [https://money.cnn.com/magazines/fortune/fortune\\_archive/2007/05/28/100033934/](https://money.cnn.com/magazines/fortune/fortune_archive/2007/05/28/100033934/) [<https://perma.cc/3BPR-8LP9>] (“They’re ambitious, they’re demanding and they question everything, so if there isn’t a good reason for that long commute or late night, don’t expect them to do it”).

21. Palmer, *supra* note 17, at 680.

22. *Id.*

23. *Id.*

hand, it creates an over-protected and over-committed environment for the participants.<sup>24</sup>

As such, millennials arguably find themselves in an atmosphere closely resembling a pressure-cooker.<sup>25</sup> They feel pressured to measure up to each other and other generations, while simultaneously having the importance of success thrust upon them at an early age.<sup>26</sup> In order to achieve the expected pay-off, millennials are being forced to rely on reputation and credentials more heavily than any generation before them.<sup>27</sup> Rather, previous generations were catapulted to success by commitment and determination with less emphasis on their credentials and reputation.<sup>28</sup> Perhaps because of this, among other explanations, millennials, as compared to earlier generations, “are more likely to suffer from low self-esteem, depression, anxiety, and stress.”<sup>29</sup> These traits and qualities are often attributed to the two-fold origin: first, the birth of the ever-present helicopter parent and second, the technological developments our society has experienced since the time most millennials were born.

Although this description of millennials is rather common and well known, a more in-depth understanding as to why millennials are the way they are is needed to understand them as a group better and make their law school journey a success.

### III. HOW MILLENNIALS CAME TO BE

“I think that I may be the voice of my generation. Or at least a voice of a generation.”<sup>30</sup> This statement was uttered by Hannah Horvath, a character on the HBO television series *Girls*.<sup>31</sup> In this scene, Hannah has just graduated from college and believes she is a great writer.<sup>32</sup> Similar to other twentysomethings, she believes this makes her exempt from having to pay her bills.<sup>33</sup> This is when her parents decide to cut her off, which

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24. *Id.*

25. *Id.* at 681.

26. *Id.*

27. *Id.*

28. *Id.*

29. Gaia Bernstein & Zvi Triger, *Over-Parenting*, 44 U.C. DAVIS L. REV. 1221, 1276 (2011) (footnotes omitted).

30. *Girls: Pilot* (HBO television broadcast Apr. 15, 2012).

31. *Id.*

32. *Id.*

33. *Id.*

prompts Hannah to utter the above statement.<sup>34</sup> While *Girls* captivated a large millennial audience, it left other generations rolling their eyes. The statement above made by lead character and aspiring writer Hannah Horvath can be used as an example in an effort to unpack and trace the reasons why a millennial may relate to it.

In every generation preceding the millennials, news, media, written works, and all communications traveled slow compared to its current speed. This is largely attributed to the cutting-edge technology and Internet age that emerged in the last twenty years. This alone made it possible for the millennial generation, unlike any previous one, to become the recognized voice at a young age and keep it that way while still alive and well. The short statements from the now off-air *Girls* offer just one example of how technology and helicopter parenting can arguably explain why millennials are the way they are.

#### A. *From Streetlight to Helicopter Parents*

Ever since the invention of streetlights, the saying “you better be home before the streetlights come on” could be heard far and wide throughout many U.S. neighborhoods. This era likely came to an end in the mid-1980s.<sup>35</sup> Around the middle of the decade that gave us *Thriller* and big hair bands, parents increasingly became involved in their children’s lives.<sup>36</sup> Many media outlets and popular writers dubbed this new parenting practice as “‘helicopter parenting,’ ‘smothering mothering,’ ‘alpha parenting,’ or ‘child-centered parenting.’”<sup>37</sup> The parents who fall under the category of “helicopter parents” tend to hail from Generation X (Gen X).<sup>38</sup> These Gen Xers are inclined to obsess over their children’s success and safety, and also vigilantly hover over their children in order to shelter them from errors, disappointment, or risks,<sup>39</sup> essentially struggling to insulate millennials from the world.<sup>40</sup> As such, many millennials grew up with their parents

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34. *Id.*

35. See Bernstein & Triger, *supra* note 29, at 1225 (noting parents’ increased involvement in children’s lives since the mid-1980s).

36. *Id.*

37. *Id.*

38. Palmer, *supra* note 17, at 686.

39. Kathleen Vinson, *Hovering Too Close: The Ramifications of Helicopter Parenting in Higher Education*, 29 GA. ST. U. L. REV. 423, 424 (2013).

40. *Id.*

micromanaging their lives into adulthood,<sup>41</sup> thereby causing a dependency problem which, arguably left millennials with under-developed coping mechanisms and decision-making skills.<sup>42</sup>

With schoolwork not being an exception to the helicopter parents' interference in their children's lives, this micromanagement (even if it is at an early age) likely leads to damaging effects in the long run,<sup>43</sup> including all the way up to the land of legal academia.<sup>44</sup> Initially, the parents' hovering over their children's schoolwork may appear to yield successful results (i.e., the child receiving an A on an assignment), however, these victories remain short-lived and turn into failures in the long term.<sup>45</sup> In fact, the incessant hovering leads to children lacking the resilience needed to face incoming challenges and, thus culminates in eventual failures.<sup>46</sup>

What begins as micromanaging at the elementary school level often turns into micromanaging at the high school level, which then leaves the door wide open for helicopter parents to burst onto the higher education scene.<sup>47</sup> Studies have found that students who have increased contact with their parents are less likely to be autonomous than others.<sup>48</sup> Scholars and social scientists argue that the lack of autonomy created by the millennials' heightened reliance on their helicopter parents, "creates a sense of entitlement in students" as well as an incompetence in taking ownership of their beliefs, values, and "their own successes and failures."<sup>49</sup>

The behavior adopted by helicopter parents further interferes with their millennial child's sense of competency.<sup>50</sup> This is "because these actions [of the parents] imply to the student that the parents do not believe in their

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41. Palmer, *supra* note 17, at 687.

42. *Id.*

Overall, they tend to show less creativity, spontaneity, enjoyment, and initiative in their leisure pastime than children raised under different child rearing practices . . . research conducted in recent years indicates that children of intensive parents tend not only to be less independent, but also less attentive and caring about others' feelings.

Bernstein & Triger, *supra* note 29, at 1275.

43. Palmer, *supra* note 17, at 688.

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.* at 686–87.

48. *Id.* at 682.

49. *Id.*

50. *Id.* at 688–89.

child's abilities."<sup>51</sup> Thus, once the sheltered millennials reach law school, they often "lack critical thinking skills, problem solving skills, and an ability to deal with ambiguity" because, throughout their lives, their parents consistently solved their problems.<sup>52</sup> However, all of these skills are tools that are necessary for law school.<sup>53</sup> As such, due to these obstacles, millennials may face a tougher path to successful lawyering than their predecessors.

### 1. Everyone Left Behind

In 2001, Congress passed the No Child Left Behind Act (NCLB), which sought to guarantee that all students have "a fair, equal, and significant opportunity to obtain a high-quality education . . . ."<sup>54</sup> The NCLB was repealed in 2015, but its effects can still be felt today by the millennial generation.<sup>55</sup> The detrimental effects of the NCLB were recognizable in its infancy. The NCLB created an incentive for schools to teach to the test.<sup>56</sup> Because of the regular assessment requirement and the "financial strings" attached to how well students of the millennial generation performed on the assessments, teachers possessed a strong motivation to focus only on memorization and strategies for test-taking and not on actual course material.<sup>57</sup>

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51. *Id.*

52. *Id.* at 689.

53. *Id.*

54. No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425, *repealed by* Every Student Succeeds Act, Pub. L. No. 114-95, 129 Stat. 1802; Emily Grant, *Helicopter Professors*, 53 GONZ. L. REV. 1, 15 (2017).

55. See Lyndsey Layton, *Obama Signs New K-12 Education Law That Ends No Child Left Behind*, WASH. POST (Dec. 10, 2015), [https://www.washingtonpost.com/local/education/obama-signs-new-k-12-education-law-that-ends-no-child-left-behind/2015/12/10/c9e58d7c-9f51-11e5-a3c5-c77f2cc5a43c\\_story.html](https://www.washingtonpost.com/local/education/obama-signs-new-k-12-education-law-that-ends-no-child-left-behind/2015/12/10/c9e58d7c-9f51-11e5-a3c5-c77f2cc5a43c_story.html) [<https://perma.cc/F2EV-CZZX>] (recognizing the bill in question "effectively ends heavy federal involvement in public schools and sends much of that authority back to states and local school districts.").

56. Mary A. Lynch, *An Evaluation of Ten Concerns About Using Outcomes in Legal Education*, 38 WM. MITCHELL L. REV. 976, 998 (2012).

57. Mary Ann Becker, *Understanding the Tethered Generation: Net Gens Come to Law School*, 53 DUQ. L. REV. 9, 19 (2015); Benjamin M. Superfine & Jessica J. Gottlieb, *Teacher Evaluation and Collective Bargaining: The New Frontier of Civil Rights*, 2014 MICH. ST. L. REV. 737, 751 (2014) ("By including much more robust testing and accountability requirements for schools than its predecessors, NCLB exerted strong pressure on teachers to 'teach to the test' (e.g., by narrowly emphasizing test-taking skills) in many cases.").

Emphasis on how to succeed on the ever-looming multiple-choice assessment at the end of the school year led to little, if any, time for teachers to teach topics not covered on the standardized assessments.<sup>58</sup> This meant that teachers were no longer emphasizing broader cognitive skills that would encourage students to develop critical thinking skills, problem-solving skills, and creativity.<sup>59</sup> Teachers were forced to substitute teaching styles focused on cognitive development for teaching styles that told students what and how to learn.<sup>60</sup> In these classroom environments driven by performance, some students struggled with motivation problems and decreased coping skills.<sup>61</sup> Students who grew up under these conditions may also suffer from a lack of abstract thinking, and the thought of a “challenge or the possibility of failure” may affect them more than previous generations.<sup>62</sup> In sum, millennials have arguably learned how to be students, not how to think.<sup>63</sup>

The shortcomings brought on by the “teaching to the test” approach have followed millennial students into law school.<sup>64</sup> Because of this method, a millennial entering law school has a limited amount of independent experience researching, writing, and learning topics, which are critical components in legal education.<sup>65</sup> Once millennials who learned through the “teaching to the test” method make it into higher education and realize the expectations of their professors, there is often discord between the professors’ expectations and the students’ abilities.<sup>66</sup> A perfect storm of frustration begins to brew between students who were “rewarded throughout primary and secondary education for performing well on

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58. Becker, *supra* note 57.

59. Ruth Vance & Susan Stuart, *Of Moby Dick and Tartar Sauce: The Academically Underprepared Law Student and the Curse of Overconfidence*, 53 DUQ. L. REV. 133, 137 (2015) (“The majority of state-approved standardized tests still focus on factual knowledge, not mastery of fundamental skills [such as critical thinking, writing, and problem-solving].”); *see also* Becker, *supra* note 57 (noting NCLB has incentivized many teachers to focus “on memorization and testing strategies for the yearly assessment test instead of comprehension, critical thinking, or applied learning.”).

60. Becker, *supra* note 57, at 20–21.

61. *Id.*

62. *Id.*

63. *See* WILLIAM DERESIEWICZ, EXCELLENT SHEEP: THE MISEDUCATION OF THE AMERICAN ELITE AND THE WAY TO A MEANINGFUL LIFE 13 (2014) (“[M]ost [students] seemed content to color within the lines that their education had marked out for them. Very few were passionate about ideas. Very few saw college as part of a larger project of intellectual discovery and development, one that they directed by themselves and for themselves.”).

64. Grant, *supra* note 54, at 16.

65. *Id.*

66. *Id.* at 17.

standardized tests” and professors who expect critical thinking, contextualized learning, and concise writing.<sup>67</sup> When dissatisfied, the professors may express their honest assessment orally or in writing, thereby frequently creating a conflict with students, who are unable to accept and process feedback or criticism properly.<sup>68</sup> These frequently occurring scenarios once again create a disadvantage for millennials leading to poor relations with supervisors and the inability to be mentored, experience professional growth, or improve their skills.

## 2. You Get a Trophy, You Get a Trophy, Everybody Gets a Trophy!

From the day they are born, most millennials are told they are special and can be whatever they want to be.<sup>69</sup> Millennials have often been called the “wanted generation” because their parents planned for them and strived to take “exceptional measures to bring them into the world.”<sup>70</sup> The cultivated need to always “feel special” spilled into the primary education system.<sup>71</sup> Early on, millennials “reaped the benefits of the self-esteem movement” that spilled over the country when most of them were still young.<sup>72</sup> This movement led to an “unwillingness to encourage failure’ by teachers” and parents, which resulted in most millennials developing unrealistic expectations.<sup>73</sup>

As millennials moved through childhood, they often engaged in activities where all children participating received praise for winning, even if they had not actually won anything.<sup>74</sup> As a result, they got in the habit of expecting constant feedback and praise for their accomplishments, even if those so-called “accomplishments” fell short.<sup>75</sup> Such instances continue to present

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67. *Id.* (citing Becker, *supra* note 57, at 20).

68. *Id.* at 9.

69. Palmer, *supra* note 17, at 682.

70. Renee Nicole Allen & Alicia R. Jackson, *Contemporary Teaching Strategies: Effectively Engaging Millennials Across the Curriculum*, 95 U. DET. MERCY L. REV. 1, 4 (2017) (citing Palmer, *supra* note 17, at 682).

71. Allen & Jackson, *supra* note 70.

72. *Id.*

73. *Id.* (quoting Palmer, *supra* note 17, at 689).

74. Emily A. Benfer & Colleen F. Shanahan, *Educating the Invincibles: Strategies for Teaching the Millennial Generation in Law School*, 20 CLINICAL L. REV. 1, 9 (2013).

75. See Melissa H. Weresh, *I’ll Start Walking Your Way, You Start Walking Mine: Sociological Perspectives on Professional Identity Development and Influence of Generational Differences*, 61 S.C. L. REV. 337, 360 (2009) (“This generation has been characterized as needing immediate feedback to illustrate the value of their contributions.”); see also Tom Gimbel, *Managing Millennials*, LEGAL MGMT., Oct.–Nov.

themselves because millennials are often rich in confidence, but extremely lacking in effort and ability.<sup>76</sup>

This “self-esteem movement” may shed some light on how millennials learn best.<sup>77</sup> First, because of their early and constant exposure to team experiences, millennials usually thrive in collaborative learning environments.<sup>78</sup> Being able to learn through peers gives millennials a chance to learn from others without constant pressure, allowing them to gain and maintain confidence in their abilities when they do have to work independently.<sup>79</sup> Second, millennials thrive off of what they perceive as meaningful feedback.<sup>80</sup> Meaningful feedback has to meet their need for praise, and if so, they remain invested in learning.<sup>81</sup> Accordingly, they learn best on their terms, which is frequently not an easy adjustment, if at all realistic.

### 3. Helicopter Parents Are Not Flying Alone

It seems parents are not the only adults in the lives of millennials with a hovering habit. Professors observably “are not as generationally homogeneous as their students,” but this does not mean that faculty members are immune to evolving dynamics.<sup>82</sup> Taking a comprehensive look at the generations that make up the majority of law school faculties, one would find that they “consist primarily of baby boomers and Generation Xers.”<sup>83</sup>

With the childhood of the Boomers being “defined by austere home and educational environments,”<sup>84</sup> and with the latchkey Gen Xers who feel like

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2007, at 24 (“Millennials thrive on constructive communication, particularly feedback. As a generation of driven perfectionists, millennials want to ensure their work is done correctly, as well as receive praise.”).

76. See Palmer, *supra* note 17, at 684 (discussing how Millennial students received outstanding grades in high school despite a decrease in studying and scholastic work).

77. Allen & Jackson, *supra* note 70.

78. Benfer & Shanahan, *supra* note 74, at 11.

79. Aliza B. Kaplan & Kathleen Darvil, *Think [and Practice] Like a Lawyer: Legal Research for the New Millennials*, 8 LEGAL COMM. & RHETORIC 153, 180 n.177, 181 (2011).

80. Benfer & Shanahan, *supra* note 74, at 13.

81. *Id.*

82. Grant, *supra* note 54, at 20.

83. *Id.*

84. *Id.*



they did not receive as much attention as they needed growing up,<sup>85</sup> it should be no surprise that these groups are heaping unmitigated praise upon their students and hovering around their own children and grandchildren at home.<sup>86</sup> In short, many of the professors employed today are helicopter parents at home, and it spills over into the classroom.<sup>87</sup> In such cases, there may be less of a clash between the millennials and their law school teacher—however, is this another factor that might not be of help in the long run? Are these professors reinforcing the already formed and arguably rigid habits which are likely to present challenges to future lawyers entering a competitive and structured profession, or are they properly catering to the generation’s “learning style”?

### B. *Tick, Tick, Technology Boom*

There is no doubt that millennials’ access to technology and the Internet has shaped the way they think, feel, communicate, and learn.<sup>88</sup> In 2007, a

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85. See Rodney O. Fong, *Retaining Generation X’ers in a Baby Boomer Firm*, 29 CAP. U. L. REV. 911, 912 (2002) (describing how Generation X’ers grew up taking care of themselves because both parents were working).

86. Grant, *supra* note 54, at 21.

87. *Id.* (“[L]aw professors today are likely to engage with their own children in the same coddling behavior that threatens to undermine their effectiveness in the classroom. And, of course, this mindset is not always constrained to the home.”).

My children are Millennials. They were born smack-dab in the middle of the generation: birth years 1982–1985 to 2000–2004. If I think Millennials have it “all wrong,” then I am condemning my offspring. This doesn’t sit well with me, because I (as a doting, overprotective Boomer/Gen X ‘helicopter parent’) tend to think my kids “walk on water.” I think they are special, amazingly talented, unique, gifted, and destined for greatness. Despite their differences, I don’t think one is better than the other and I subscribe to the ‘different gifts—all are winners, there are no losers’ mentality.

Susan Daicoff, *Working with Millennials in the Law*, ARIZ. ATT’Y, June 2014, at 18.

88. Allen & Jackson, *supra* note 70, at 5.

As “digital natives,” these students do not remember a time before interactive digital media, and it affects every aspect of their lives. As Millennials have roundly embraced “all things digital,” they see this as a “badge of generational identity” that “distinguishes them from other generations.” Millennials demonstrate an ease with technology like no group before them. They are consuming media heavily (more hours per week than any other generation) while simultaneously creating their own content to share with others on the Internet and have the potential to use technology in the workplace (such as the web and instant messaging) more naturally.

Brittany Stringfellow Otey, *Millennials, Technology, and Professional Responsibility: Training a New Generation in Technological Professionalism*, 37 J. LEGAL PROF. 199, 204 (2013).

survey of U.S. college students revealed that almost every student polled owned a computer and a cell phone, and well over half used instant messaging and Facebook.<sup>89</sup> If that survey were taken a little over ten years later, in 2019, the results would likely show an even higher technological engagement because of the growing popularity of social networking sites beyond Facebook.<sup>90</sup> Net Gens are a subcategory of millennials born in or after 1994. This group of millennials is more inclined to become dependent on technology.<sup>91</sup> In fact, this faction is often described as the “tethered generation” because they, more so than older millennials, tend to be continuously connected to “technology, social media, and their parents.”<sup>92</sup>

Because almost all millennials are continuously connected to each other via technology, they are more likely than previous generations to obtain advice and information from each other.<sup>93</sup> Thus, millennials are the first generation to be completely “insulated by their horizontal peer group. . . .”<sup>94</sup> Because of this insulation, and likely due to other reasons, millennials are far less likely to value their professor as a primary source of information.<sup>95</sup> The fact that most millennials have had Google at their fingertips from a young age has created a generation that expects immediate answers to every question.<sup>96</sup> This expectation has become a challenge.<sup>97</sup> This expectation of immediate answers leads to millennials’ inability, as well

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89. Weresh, *supra* note 75.

90. See Priit Kallas, *Top 15 Most Popular Social Networking Sites and Apps [2019]*, DREAMGROW, <https://www.dreamgrow.com/top-15-most-popular-social-networking-sites/> (last updated July 9, 2019) [<https://perma.cc/VVR9-LBHE>] (ranking social media websites).

91. Becker, *supra* note 57, at 10.

According to research from 2007, college students used technology at much higher rates than did people from other generations: 97 percent owned a computer; 94 percent owned a cell phone; 92 percent reported multitasking while instant messaging; 76 percent used instant messaging; and 40 percent used television to get most of their news; another 34 percent used the Internet to get their news. They spent at least 3.5 hours a day online.

Daicoff, *supra* note 87.

92. Becker, *supra* note 57, at 10.

93. *Id.* at 33.

94. *Id.*

95. See Joan Catherine Bohl, *Generations X and Y in Law School: Practical Strategies for Teaching the “MTV/Google” Generation*, 54 LOY. L. REV. 775, 782 (2008) (“Members of Gen X Y . . . perceive information as only a few keystrokes away, at least as available to them as it is to the figure in the front of the classroom.”).

96. Benfer & Shanahan, *supra* note 74, at 10.

97. *Id.*

as unwillingness, to engage in deep learning, thereby further stifling their critical thinking skills.<sup>98</sup>

Furthermore, “[m]illennials are accustomed to multitasking . . . .”<sup>99</sup> They have had to figure out how to manage their daily routines “with Internet activity on their cell phones and computers.”<sup>100</sup> This constant multitasking has made it difficult for law professors to engage millennials through lectures or the traditional Socratic Method.<sup>101</sup> As such, a deeper thinking and revised approach to teaching styles are needed on law professors’ behalf to cultivate a productive class environment. First, it is important to acknowledge that millennials, more than any other generation, “learn best when learning is active and contextual.”<sup>102</sup> Second, it has also become necessary to relate the course material to their current or past experiences in order to get and keep their attention.<sup>103</sup> Overall, law professors need to embrace a multifaceted method of teaching—one that utilizes technology in order to engage millennials successfully.<sup>104</sup> One way to engage millennials is to create learning environments that combine traditional and contemporary teaching methods.<sup>105</sup> Some would argue it is not our job as law professors to cater to the students, and they should be able to cope with the established law school learning method instead. Although there may be some merit to this point, the answer is somewhere in between. Similar to any other professional, law professors must adjust to change, which is inevitable in any field or occupation. On the other hand, the legal profession is well-established and traditionally rooted in its original practice style. Thus, it is on the incoming lawyers to be able to find a proper fit within that framework.

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98. *Id.*

99. Allen & Jackson, *supra* note 70, at 6.

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

104. Kaplan & Darvil, *supra* note 79, at 177.

105. Allen & Jackson, *supra* note 70, at 6.

## IV. MY LAWYER IS A MILLENNIAL

A. *The Evolving Legal Profession*

It is necessary to understand how the practice of law has changed over the last few decades to fully appreciate how much the law school environment millennials have been thrust into has actually not changed.<sup>106</sup> Overall, law school has remained true to the model that can be seen in *The Paper Chase*.<sup>107</sup> This ancient model was built on a foundation of common law courts.<sup>108</sup> However, these fundamentals arguably no longer characterize the practice of law.<sup>109</sup>

The public—as well as members of the legal profession—have traditionally viewed the practice of law as a profession instead of a “mere trade.”<sup>110</sup> The traditional notion that the proper role of an attorney in the United States is that of a “zealous advocate” survives to this day.<sup>111</sup> This holds true, even though the twentieth century saw a sweeping fundamental change in the legal profession.<sup>112</sup> These changes were mainly associated with larger cultural and governance deviations that were taking place,<sup>113</sup> with some of them brought on by the rise of modern corporations combined with the rise of the regulatory state.<sup>114</sup>

These changes, however, only slightly evolved the role of lawyers.<sup>115</sup> “The role of lawyers evolved from advocates and conveyancers to, at least

106. Ray Worthy Campbell, *The End of Law Schools: Legal Education in the Era of Legal Service Businesses*, 85 MISS. L.J. 1, 22 (2016).

107. *See id.* (“[L]aw school has not changed . . . it has remained true . . .”).

108. *Id.*

109. *Id.*

110. *See* HENRY S. DRINKER, LEGAL ETHICS 210–11 (1953) (claiming the legal field has generally been noted as a profession instead of a simple trade); ROSCOE POUND, THE LAWYER FROM ANTIQUITY TO MODERN TIMES 9–10 (1953) (“It is of the essence of a profession that it is practiced in a spirit of public service.”). However, this view may be changing. *See* *Bates v. State Bar of Ariz.*, 433 U.S. 350, 371–72 (1977) (“[T]he belief that lawyers are somehow ‘above’ trade has become an anachronism. . .”).

111. Maria Castilla, *Client Confidentiality and the External Regulation of the Legal Profession: Reporting Requirements in the United States and United Kingdom*, 10 CARDOZO PUB. L. POL’Y & ETHICS J. 321, 324 (2012).

112. Campbell, *supra* note 106.

113. *Id.*

114. *Id.*; *see also* Marc Galanter & William Henderson, *The Elastic Tournament: A Second Transformation of the Big Law Firm*, 60 STAN. L. REV. 1867, 1922 (2008) (discussing how millennials are demanding changes in Big Law).

115. Campbell, *supra* note 106.

in some cases, serving as facilitators of business, and finally to specialists in technical niches.”<sup>116</sup> Moreover, the profession was evolving as a reflection of the changes in society, with the structure that was once made up of individual and small firms, serving other individual and small firms, morphing into settings where the practice of law is “for, within, or against large organizations.”<sup>117</sup> The profession continues to respond to the needs of citizens and businesses, and as such, has to reflect those developments.

B. *When Childhood and Reality Collide*

As stated above, the effects of having helicopter parents can and have followed most millennials into adulthood. Helicopter parenting may have resulted in law students’ inability to make decisions on their own, and this has further handicapped millennials’ ability to cope.<sup>118</sup> These effects are likely to lead millennials into joining the workforce with a lack of experience when it comes to advocating for themselves and an inability to become self-reliant or manage personal time.<sup>119</sup>

The effects of helicopter parenting do not end here. Because millennials grew up in a world where everyone is viewed as “exceptional,” they are likely used to having their egos massaged and continue to need this type of validation even if it is unwarranted.<sup>120</sup> This can cause actual harm to millennials because they are taught that everyone is good at anything they try, which causes many millennials to become unaware of their real strengths and weaknesses.<sup>121</sup>

Millennials, yet again, clash with institutions of higher learning when they find that this world often lacks clarity and can even be described as ambiguous.<sup>122</sup> Most universities and law schools focus on critical thinking, problem-solving, analytical approach, and student-centered learning.<sup>123</sup> In

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116. *Id.*

117. *Id.*

118. Vinson, *supra* note 39, at 435–36.

119. NEIL HOWE & WILLIAM STRAUSS, *MILLENNIALS GO TO COLLEGE* 60 (2d ed. 2007) (“As Millennials have absorbed the adult message that they dominate America’s agenda, they have come easily to the belief that *their* problems are the *nation’s* problems, *their* future is the *nation’s* future, and, by extension, everyone in America will naturally be inclined to help them solve those problems.”).

120. Vinson, *supra* note 39, at 435–36.

121. *Id.*

122. *See id.* at 436 (“[M]any Millennials prefer organization and dislike ambiguity.”).

123. *Id.*; see Sarah E. Ricks, *Teaching ILs to Think Like Lawyers by Assigning Memo Problems with No Clear Conclusions*, *PERSP.: TEACHING LEGAL RES. & WRITING*, Fall 2005, at 10 (implying “thinking like

other words, millennials—the generation who have come to expect straightforward answers to their questions—are being plunged into a world that is telling them to find the answer on their own instead of giving it to them.

In the eyes of most millennials, it can seem like the entire structure of legal education is set up for them to fail. In law school, grades often hang on one exam for an entire subject matter, and students are expected to show up to class every day “engaged, prepared, professional, and independent.”<sup>124</sup> This can be a genuinely challenging environment for millennials. The law school setting is highly stressful, and two of the most significant assets in law school are coping skills and time management: traits millennials may not have.<sup>125</sup> Feedback, or lack thereof, is also a huge hindrance for millennials in college and graduate school.<sup>126</sup> Placing anyone in a law school environment is akin to placing them in a pressure cooker. The pressure can be multiplied tenfold when unprepared millennials find themselves in a situation where “competition is high, work is demanding, and many students receive rigorous critiques and lower grades than they are accustomed to in their previous educational experience.”<sup>127</sup> As such, millennials are experiencing additional stress and challenge in an environment that is already difficult for most. The big question is: What is the best way to assist them while maintaining the structure and goals of the legal education and profession? How, and to what extent, should we—legal educators—bend in order to make the two unfitting shapes meet, and eventually evolve, into a successful law practice that most accommodates and stimulates all involved?

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a lawyer” refers to “the ability to analyze facts and . . . to separate a complicated problem into its component parts . . .”).

124. Vinson, *supra* note 39, at 436–37.

125. *Id.*

126. *Id.* at 437.

127. *Id.*

V. BY GEORGE, SHE'S GOT IT:<sup>128</sup> THE SOLUTION TO CREATING  
SUCCESSFUL MILLENNIAL LAWYERS

A. *Let's Not Blame Everything on Millennials*

Giving up on an entire generation of law students is, of course, out of the picture. Frustrating as it may be to some professors, there are multiple ways to solve the problem of struggling millennial law students. First, the steps to getting through to millennials need to start as early as orientation.<sup>129</sup> Beginning at the admission and orientation levels, law schools should begin to take steps that incorporate their ideology and address the expectation of professionalism throughout law school and into the legal profession.<sup>130</sup>

Millennial students are drawn to clinical settings because they want and are often very successful when they receive individual attention and support.<sup>131</sup> In order to feed this flame, law schools need to be intentional in their teaching.<sup>132</sup> To do so, law professors need to understand the factors that exist in the clinical environment.<sup>133</sup> This means there needs to be a deeper understanding of the structured and intentional approach to teaching what the clinical environment offers while also keeping in mind the generational traits of the millennials sitting in front of us.<sup>134</sup>

It is critical to remember that the knowledge of an effective lawyer goes beyond “knowledge of the law or the theory behind it.”<sup>135</sup> Under the Langdellian case-method approach to legal education, law schools primarily

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128. MY FAIR LADY (Warner Bros. 1964).

129. Steven K. Berenson, *Educating Millennial Law Students for Public Obligation*, 1 CHARLOTTE L. REV. 51, 71–72 (2008).

Regardless of their best intentions, law schools' efforts to “reform” themselves to produce practice-ready students will never succeed until they step back and address one of the great, unanswered questions in the current “reformation” literature: “How do students' abilities to quickly master sophisticated intellectual tasks in law school relate to prior academic experiences, pre-existing familiarity with structured forms of higher-order thinking, and choices of instructional strategies that may or may not link learning to familiar contexts outside of the law?”

Susan Stuart & Ruth Vance, *Bringing a Knife to the Gunfight: The Academically Underprepared Law Student & Legal Education Reform*, 48 VAL. U.L. REV. 41, 41 (2013).

130. Berenson, *supra* note 129.

131. Benfer & Shanahan, *supra* note 74, at 37.

132. *Id.*

133. *Id.*

134. *Id.*

135. Kathleen Elliott Vinson, *What's Your Problem?*, 44 STETSON L. REV. 777, 778 (2015).

train students to “think like a lawyer.”<sup>136</sup> This is achieved by having students read and ask questions about appellate cases while encouraging professors to utilize the Socratic Method. The Socratic Method has not had the same effect on millennials that it had on previous generations; the arguably “outdated method” does teach students how to “think like a lawyer,” but it does not teach them “how to practice like one.”<sup>137</sup>

Legal education, therefore, needs to shift its focus to the client and how to use the law, theory, and skills to help the client solve problems.<sup>138</sup> Law school is also a very isolated environment where students often work independently. Yet, in practice, these same students are faced with a collaborative environment, which happens to be the very environment millennials thrive.<sup>139</sup>

Taking a little closer look at the objective of legal education—to prepare students to blossom into practicing lawyers—will reveal how much of an overall change may be needed, and not just for the sake of millennials.<sup>140</sup> It has been frequently voiced that legal academia needs to move away from limiting itself to just teaching students how to think like a lawyer, because it should only be one part of preparing them for a legal career.<sup>141</sup> The modern lawyer needs to be able to communicate with and influence others.<sup>142</sup> This means law students have to be able to “communicate with clients, work on

136. Bobbi McAdoo et al., *It's Time to Get It Right: Problem-Solving in the First-Year Curriculum*, 39 WASH. U. J.L. & POL'Y 39, 44 (2012) (discussing standard methods used in teaching legal education).

137. *See id.* at 44–45 n.21 (citations omitted) (noting problems with the Socratic method).

138. *See id.* at 60 (describing a course that was developed to help students how to assist in resolving client issues).

139. *See id.* at 60–62 (discussing a proposed course that would provide an opportunity for group work in law school).

Today's clinical student is a member of a class known simultaneously as “Millennials,” “Gen Y” and “Net Gen.” Known for their proclivity to bricolage, the ability to piece together information from variety sources, these students gravitate toward group activity, are fascinated by new technologies, are focused on grades and performance, and learn well through discovery. Millennial students are those born after 1981 and they are quite different from the Gen X students with whom legal educators are familiar.

Cooney, *supra* note 20, at 505.

140. Steven I. Friedland, *Adaptive Strategies for the Future of Legal Education*, 61 LOY. L. REV. 211, 214 (2015).

141. *See id.* at 215 (“Lawyers also must deal with clients, serve the aims of their firms or organizations, act with integrity in and out of court, and much more.”).

142. *Id.* at 214–15.



teams, and manage projects” in order to be successful practicing law in the future.<sup>143</sup>

Modern lawyers must be culturally competent and, thus, millennial students need to be prepared for that component of practice as well. With the world becoming increasingly globalized, lawyers are having to deal with a broad array of clients while also managing the ever-changing aims of the firms or organizations that employ them.<sup>144</sup> Law students must learn to be flexible! The external changes in the legal services market make it so that any lawyer who does not bend is likely to break.<sup>145</sup>

With this being said, reasonable minds can differ in terms of exactly how to make law students practice-ready and there is never one easy solution. Something that cannot be questioned is that there is a new generation of students entering law school.<sup>146</sup> Furthermore, millennial students need to be exposed to the legal profession in order to create a well-rounded class of lawyers-in-training.<sup>147</sup> Law students deserve a proper professional education—one that includes training in the skill of law, not just the theory and doctrine surrounding it.<sup>148</sup> As such, it is a constant search for solutions; but, without a smart and thoughtful approach, no resolution will ever be found.

#### B. *First Learn, Then Teach*

While law schools as a whole can make a variety of changes, professors need to have a deeper understanding of how millennials learn before they attempt to get through to them. First, professors need to learn that

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143. *Id.*

144. See Wayne S. Hyatt, *A Lawyer's Lament: Law Schools and the Profession of Law*, 60 VAND. L. REV. 385, 393–98 (2015) (explaining law students must understand the “complexity of people in today’s legal environment” to truly “understand the role of the law in a community or in personal relationships” (quoting Evan McKenzie, *Doing Well, Doing Good, or Doing Both? Rethinking the Practice of Community Association Law*, 2 J. COMMUNITY ASS’N L. 38, 40 (1999))).

145. See generally BRIAN TAMANAHA, *FAILING LAW SCHOOLS* (2012) (illustrating the need for current law students to be more flexible regarding their expectations).

146. See Jill Schachner Chanen, *Re-Engineering the JD: Schools Across the Country Are Teaching Less About the Law and More About Lawyering*, A.B.A. J., July 2007, at 44–45 (describing changes being made to law school curriculums in order to better prepare students for the actual practice of law).

147. *Id.* at 42.

148. Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO. J. LEGAL ETHICS 355, 359 (2016).

millennials are oriented to inductive reasoning.<sup>149</sup> When millennials are put in an interactive situation and are encouraged to stop experiencing and start reflecting, they have been found to formulate valid hypotheses and figure out rules that apply to these hypotheses.<sup>150</sup>

Moreover, the fact millennials are connected continuously and crave immediacy does not have to be always seen as a negative.<sup>151</sup> Engaging these types of learners by incorporating problem-solving exercises in law school courses will allow millennials to take the skills they have gleaned from being so interconnected and transfer them from one domain to another.<sup>152</sup> Since lawyers are problem solvers at their core,<sup>153</sup> showing millennials how to problem solve with tools they already have at their fingertips may be a way to create one of the best generations of lawyers yet.

With the attention spans of millennials continuing to shrink, and no sign of *Pennoyer v. Neff*<sup>154</sup> and cases like it leaving the law school scene, professors are likely to face a problem when it comes to the critical reading skills of millennials. A way for professors to aid students in understanding the concept of critical reading is for professors to not only discuss the importance of critical reading but also to model it for students.<sup>155</sup> A professor needs to talk about why students are reading a specific case.<sup>156</sup> Studies have shown that discussing the reading before students read it can have a positive influence on the students' understanding of the material.<sup>157</sup> For example, a "professor can offer a framework to review an opinion, by annotating and highlighting an opinion to share with the students."<sup>158</sup>

149. Diana G. Oblinger & James L. Oblinger, *Is It Age or IT: First Steps Toward Understanding the Net Generation*, in EDUCATING THE NET GENERATION 2.7 (Diana G. Oblinger & James L. Oblinger eds., 2005) (ebook).

150. *Id.*

151. See Cooney, *supra* note 20, at 507 (recognizing millennials as an "information-age mindset" that makes their learning style unique).

152. Vinson, *supra* note 135, at 793–94.

153. *Id.* at 784.

154. *Pennoyer v. Neff*, 95 U.S. 714 (1877).

155. See Peter Dewitz, *Legal Education: A Problem of Learning from Text*, 23 N.Y.U. REV. L. & SOC. CHANGE 225, 239 (1997) (explaining how research demonstrates law students show greater learning when professors teach students effective reading strategies).

156. Kari Mercer Dalton, *Their Brains on Google: How Digital Technologies Are Altering the Millennial Generation's Brain and Impacting Legal Education*, 16 SMU SCI. & TECH. L. REV. 409, 436 (2013).

157. Janice A. Dole et al., *Effects of Two Types of Prereading Instruction on the Comprehension of Narrative and Expository Text*, 26 READING RES. Q. 142, 154 (1991).

158. Dalton, *supra* note 156.

Once the professor has modeled the first case, “the student can then model the behavior by highlighting and annotating a new, simple opinion.”<sup>159</sup> This new generation of students does not learn by having a teacher stand in the front of the classroom and tell them how to do something; for millennials to fully grasp an applicable principle or concept, they must be directly involved in it.<sup>160</sup> Although this may appear as a substantial change, it is entirely workable. Taking steps to meet millennials where they are is what law professors can do in order to create a more productive and engaging learning environment! After all, if we, as professors, lead the students in a relatable way, they will thrive and demonstrate progress much sooner than if the learning style is counter-productive, and they are unable to cope.

## VI. A LITTLE LESS TALK AND A LOT MORE ACTION<sup>161</sup>

### A. *Becoming Part of Their World*

The good thing about catering an education plan to millennials is that there is a myriad of effective approaches that can be utilized. As a creative example, Professor Chanbonpin of the John Marshall Law School focuses on hip hop music and culture as a way to convey to her students the academic and professional drawbacks of plagiarism.<sup>162</sup> She has found that hip hop delivers a good model of comparison because most first-year students are engrossed in a culture inundated with allusions to hip hop.<sup>163</sup> For millennial students, hip hop serves as a point of reference. It possesses a valuable currency because, from their standpoint, it represents something real, speaks to their experiences, and is relatable.<sup>164</sup> However, one size does not fit all, and this is not to say that every law professor should incorporate hip hop!

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159. *Id.*; see Martha Kennedy, *Student Centered vs. Teacher Centered Learning*, SYNAPSE (Mar. 6, 2015), <https://medium.com/synapse/student-centered-vs-teacher-centered-learning-2184a7521720> [<https://perma.cc/HX2S-P285>] (“To learn a skill, students must be directly involved.”).

160. Kennedy, *supra* note 159.

161. HANK WILLIAMS, JR., *A Little Less Talk and A Lot More Action*, on MAVERICK (Curb/Capricorn Records 1992).

162. Kim D. Chanbonpin, *Legal Writing, the Remix: Plagiarism and Hip Hop Ethics*, 63 MERCER L. REV. 597, 598 (2012).

163. *Id.*

164. *Id.*

With the infinite technological solutions readily available, there are many different ways professors can enhance educational goals.<sup>165</sup> The use of YouTube videos, podcasts, and PowerPoints are all ways professors can engage technology-loving millennials.<sup>166</sup> The traditional legal education already “flips the classroom” to some extent by assigning readings in advance; in fact, this “flip” may now be enhanced by assigning problems in advance, along with “podcasts, quizzes, and other digital formats.”<sup>167</sup> With the practice of law now significantly impacted by technological advances, it makes it increasingly more important for recent law graduates to be familiar with current technology—these days, a lawyer cannot survive without at least being able to e-file documents.<sup>168</sup>

All these considerations of new learning and materials should not be viewed as a burden because, as professors or teachers, we never leave the educational environment—we, ourselves, should maintain intellectual curiosity and always remain students at heart!

B. *I Practice What I Preach*

When I began teaching Professional Responsibility, I looked for materials that would help me keep my students engaged. As with any *required* course, promoting genuine student interest initially proved challenging. As such, I slowly started accumulating recent cases I found interesting and thought would not only catch the attention of my students, but also allow them to see how the rules, that seemed so far removed at present, will apply to their lives in a few short months or years. After using my materials for quite some time, one of my students suggested I put them into a coursebook format. That day marked the beginning of my journey into creating a Professional Responsibility textbook catered to millennials.<sup>169</sup>

First, I knew the book had to contain cases and relevant materials that would catch and hold the attention of millennials. This led me to include

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165. Dionne Anthon et al., *A Technological Trifecta: Using Videos, Playlists, and Facebook in Law School Classes to Reach Today's Students*, 40 RUTGERS COMPUTER & TECH. L.J. 1, 2 (2014).

166. *Id.*

167. Friedland, *supra* note 140, at 229.

168. See Peter Toll Hoffman, *Law Schools and the Changing Face of Practice*, 56 N.Y.L. SCH. L. REV., 203, 217–19 (2011) (examining the use of technology in depositions, discovery, case management, and courtroom presentation documents).

169. KATERINA P. LEWINBUK, *CONNECTING ETHICS AND PRACTICE: A LAWYER'S GUIDE TO PROFESSIONAL RESPONSIBILITY* (2d ed. 2019).

the Duke Lacrosse case,<sup>170</sup> the Bush Torture Memo,<sup>171</sup> and excerpts from the Kavanaugh Hearing.<sup>172</sup> Not only did I include these divisive “hot” topics but also notes following them that ask the students what they think about the rules and how they apply to these particular instances. I found this means of presenting the material allowed millennials, who are known to expect immediate gratification in numerous facets of their lives, to easily absorb the rules of law while examining its application to recent and often scandalous scenarios. More importantly, these current cases and ethics-related scandals, naturally lead to a lively discussion, which provides a way to apply the legal rules the students are currently learning to their lives and society, instead of waiting until after graduation to realize the rules of ethics are critical to one’s daily law practice.

Second, I tried to accommodate many different learning styles. I learned when a professor can accommodate diverse learning styles, every student is included in the learning process.<sup>173</sup> It is important for law professors to recognize that by teaching millennials, they are embracing a variety of learning styles: (1) verbal learners, those who learn through written text; (2) visual learners, those who learn through pictures, diagrams, and models; (3) oral learners, those who learn through talking out ideas; (4) aural learners, those who learn through listening to lectures, discussions, or recordings; (5) tactile learners, those who learn through touching and manipulating materials; and (6) kinesthetic, those who learn through moving and doing.<sup>174</sup>

Keeping this in mind, I attempted to provide something for every type of learner. The verbal learners were easy; I simply had to put the text together. For the visual learners, I was able to provide “mind maps” at the beginning of every chapter. These “mind maps” create a visual map of the content covered in each chapter.<sup>175</sup> I also included a set of PowerPoint slides for each chapter to show during class. To accommodate the oral and aural

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170. See *id.* at 199 (explaining the legal impacts of the Duke Lacrosse case, a high-profile criminal case).

171. See *id.* at 352 (including the highly politicized memorandum in the context of professional responsibility).

172. See *id.* at 99 (discussing the legal ramifications of the highly-publicized hearing).

173. See Palmer, *supra* note 17, at 701 (“Educators would provide information through various modalities and provide information in a format the student finds useful.”).

174. *Id.*

175. See generally TONY BUZAN, HOW TO MIND MAP (2002) (describing how to mind map and how mind mapping can maximize brainpower and improve performance).

learners, I provided conversation-provoking topics and questions so the professor may lecture when needed, but the entire class may engage in a discussion of the rules and the issues surrounding them. I even attempted to provide for the kinesthetic learners by including a group project, as well as an attorney time-billing practical exercise.

Third, I incorporated the use of guest speakers in my classroom. Every semester I have at least one in-house counsel attorney, a defense attorney, and a judge speak in class. These presenters provide a reality check and explain how the ethical rules and boundaries discussed in class come into play during daily law practice. Moreover, having a respected source, other than the professor, often helps reiterate the importance of key concepts. It also helps emphasize the story-telling part of the teaching process.<sup>176</sup>

Furthermore, sharing anecdotes about a lawyer's real work is yet another helpful way to provide the context for students to understand both what they learn in law school and why,<sup>177</sup> as well as to create a more fun and interactive environment. If students can relate what they are doing now to their ultimate career goals, it offers them a chance to realize what they are working to build.<sup>178</sup> Moreover, students appreciate the variety of learning angles and opportunities offered in class because they can relate better to the actual legal concepts, while also feeling more enthusiasm about in-class participation. They are likely to feel they own part of their learning opportunity, and thus become more inspired and comfortable in exploring the subject both individually and as a group. Although the project initially felt overwhelming, I have to report it was certainly worth it, and after all, I, as well as the students, felt more engaged with the subject itself.

## VII. CONCLUSION

Today, the legal profession is going through various challenges and changes. The incoming millennial generation of law students and lawyers are undoubtedly one of the many contributions to this change. Because they

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176. See Paula Lustbader, *Teach in Context: Responding to Diverse Student Voices Helps All Students Learn*, 48 J. LEGAL EDUC. 402, 404 (1998) ("Students explained that the most effective teaching techniques were those premised on contextualized learning.").

177. See *id.* at 405 ("[T]o understand and use new information, students must be able to relate it . . .").

178. See *id.* ("Teachers can then increase their effectiveness by incorporating other experiences into the content of their teaching and by encouraging students to relate what they are learning to their own lives.").

were raised differently with the commonly blamed helicopter parents, arguably protecting them from real-life experience, millennials act, think, and learn differently. With such a vastly different upbringing than previous generations, millennials exhibit personality attributes such as a lack of self-efficiency, supreme confidence, and entitlement, thereby leaving their unprepared professors and supervisors baffled when teaching and offering professional training to them. Needless to say, an adjustment to the current legal education structure, coupled with the addition of some newly-created teaching and learning options, are needed to accommodate this new generation of law student and to close the gap between the classic Socratic Method approach and the way millennials are best able to process information. One has to realize that meeting this goal, while simultaneously maintaining a historically-established high level of expectation for legal education and practice, is not an easy task. However, it can certainly be done!

This article discussed the above-described conflict in-depth, while at the same time offered specific steps to avoid the clash and bring the incoming millennial law students and lawyers on board. As an example, the Author discussed her personal experience of teaching millennial law students in her classroom and how she attempted to face this challenge by creating a new type of Professional Responsibility textbook, designed with a modern law student and professor in mind.

As a foundation of our entire profession, the subject of legal ethics is a great place to start implementing these long-needed changes.